

HONORING THE GIRL FRIENDS, INC.—NEW HAVEN CHAPTER ON THE CELEBRATION OF THEIR 90TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2022

Ms. DeLAURO. Madam Speaker, it is with great pride that I rise today to extend my heartfelt congratulations to the New Haven Chapter of Girl Friends, Inc. as they celebrate their 90th Anniversary at their annual Kentucky Derby Luncheon. The oldest African American female service organization in New Haven, the New Haven Girl Friends is a unique organization within our community.

Chartered just five years after the national organization, the New Haven Girl Friends have been a center of service and community for African American women in our community. Their work to promote friendship, social interaction, charitable and cultural activities has enriched our community and the lives of its residents. From their success in housing all visiting members at the organization's 1942 Conclave and integrating the Taft Hotel in downtown New Haven to their generous support of projects like the Smithsonian National Museum of African American History and Culture as well as the NAACP and The Girl Friends Fund Scholarship program, the New Haven Girl Friends have left an indelible mark on our community.

Each year on the weekend of the Kentucky Derby, members gather in fellowship to raise funds for scholarships that are awarded annually to students throughout Greater New Haven and Hartford as well as to benefit local community-based programs, the nonprofit Girl Friends Fund Foundation and other initiatives of the New Haven Chapter. Their mission has been to actively engage the community and their goals are rooted in the understanding that our communities thrive when every member contributes to its success. The members of the New Haven Girl Friends include some of our communities most prominent social advocates—many of whom dedicate both their professional and personal lives to public service. These women stand as role models for us all, but particularly for our young people. They inspire us with their deep commitment to community and compassion for others.

It is my great honor to rise today to extend my sincere thanks and appreciation to the members of the New Haven Chapter of Girl Friends, Inc. for their innumerable and invaluable contributions to our community. It is my honor to congratulate you on your 90th Anniversary and, as we say in Italian, C'ent Anni—to another hundred years.

CONGRATULATING NICHOLAS PATRICK FOR HIS WIN AT THE IHSA STATE CHAMPIONSHIPS IN TENNIS

HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2022

Mrs. BUSTOS. Madam Speaker, I rise today to recognize Nicholas Patrick, a freshman

from Alleman Catholic High School, who won the Illinois High School Athletic Association Class 1A State tennis title.

Nicholas won the 1A state tennis title in singles, becoming the first Quad Cities area IHSA boys state tennis champion since 1996. As a former athlete, I commend him for his determination and attitude. Nicholas is an example of the importance of dedication and a strong work ethic. I am proud to see him represent Rock Island so well throughout the state and the country with his talent and passion.

It is because of student leaders such as Nicholas that I am especially proud to serve Illinois' 17th Congressional District. Madam Speaker, I would like to again formally congratulate Nicholas Patrick on his Class 1A State title in tennis.

CONGRATULATING JAMES RASMUSSEN ON HIS RETIREMENT AFTER MANY YEARS OF SERVICE AS A STRONG COMMUNITY LEADER

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2022

Mr. SMITH of Washington. Madam Speaker, I rise to congratulate James Rasmussen on his retirement. James has served as a strong community leader working on environmental, habitat, and community issues along the Duwamish River.

My staff and I have had the pleasure of working with James for several years. He has played an important role serving his community as part of the Duwamish Tribe and the Duwamish River Community Coalition.

James has been an extremely effective advocate for the cleanup of the Duwamish River. He has also been a fierce supporter of the river's nearby communities and has served as a tireless and committed advocate for decades in our region. His efforts and dedication have been invaluable in support of the protection of the Duwamish River. His work will help to ensure that the river is restored for future generations.

Madam Speaker, I sincerely thank and commend James Rasmussen for spending his career focused on the protection and cleanup of the Duwamish River. I congratulate him on a well-deserved retirement.

HONORING RICHARD SMITH OF MILFORD, CONNECTICUT FOR HIS OUTSTANDING SERVICE TO HIS COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2022

Ms. DeLAURO. Madam Speaker, it is with great pleasure that I rise today to join family, friends, and community leaders to extend my deepest thanks and appreciation to Richard Smith of Milford, Connecticut for his outstanding and invaluable contributions to our community.

A graduate of Yale University and Trinity College, where he majored in political science

with concentrations in American government and public policy respectively, Rich has always held a firm commitment to giving back to his community. He sought ways in which he could use his passion for government and public policy to make a difference, enrich the community, and improve the quality of life for others. Having spent a number of his high school years volunteering on various local campaigns, he became a member of his local town committee where he has spent decades supporting local candidates and driving policy agendas. Dedicating his time and energies to the committee and its work, he took on several leadership positions, including serving as its chairman for a record-breaking eighteen years.

As much as politics is his passion, public service is the moral compass by which Rich is guided. He has volunteered countless hours to serving both the City of Milford and the State of Connecticut. Appointed by the Mayor, he has served for a number of years as a member of the Regional Water Authority's Representative Policy Board which is charged with the appointment of the five members to serve on the Regional Water Authority; the approval of land sales, rate increases, bond sales and any capital project with a cost in excess of \$2 million; the appointment of the Office of Consumer Affairs as well as the external auditor; and the ratification of the appointment of the chief executive officer. For the last decade he has served as a member of the Milford Police Commission, also serving as its chairman for several terms. In 2017, he was nominated to a five-year term by then Governor Dannel Malloy to serve on Connecticut's Judicial Review Council as one of six citizen members. Established in 1976, the Judicial Review Council is charged with investigating and acting on allegations of misconduct within the state's judicial system. In every facet of his service to the community, Rich has leveraged his appreciation and excitement for politics and government into making a real difference in the lives of others.

I have had the privilege of knowing and working with Rich for many years now and consider myself fortunate to have a friend like him in my corner. His leadership and vision have left an indelible mark that will continue to inspire generations of new community leaders for years to come. I am honored to rise today to extend my heartfelt thanks and appreciation to Richard Smith for his outstanding service to the community and his dedicated work on behalf of others. I wish him as well as his wife, Michelle, and daughters Melissa, Meghan, and Rebecca, all the best for many more years of health and happiness.

DEPARTMENT OF JUSTICE SURVEY ON REMEDYING THE EFFECT OF DISCRIMINATION IN FEDERAL CONTRACTING

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2022

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I include in the RECORD the executive summary of a report by the Department of Justice (DOJ) titled "The Compelling

Interest to Remedy the Effects of Discrimination in Federal Contracting: A Survey of Recent Evidence.” The DOJ summary and associated report illustrate how systemic discrimination continues to create barriers for women- and minority-owned businesses to fairly compete for federal contracts and how federal contracting programs can respond to, address, and remedy the harmful effects of discrimination.

[From the U.S. Department of Justice, May 16, 2022]

THE COMPELLING INTEREST TO REMEDY THE EFFECTS OF DISCRIMINATION IN FEDERAL CONTRACTING: A SURVEY OF RECENT EVIDENCE—EXECUTIVE SUMMARY

On January 27, 2022, the Department of Justice posted a notice in the Federal Register announcing the publication of a Department of Justice report surveying the evidence supporting the use of race- and sex-conscious contracting programs by the federal government in order to remedy the effects of discrimination.

This report is third in a series created by the Department of Justice since the Supreme Court determined that federal race-conscious contracting programs must meet the strict scrutiny standard of review to survive a constitutional challenge based on the Equal Protection Clause in *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 227 (1995). Each report has compiled and summarized the evidence of discriminatory barriers that businesses owned by women and people of color face that impede participation in government contracting. Both previous reports have been cited in federal court as evidence that there is a compelling governmental interest in programs that support the ability of businesses owned by people of color to compete on an equal basis. Strict scrutiny is the most exacting standard of review, and it requires, among other things, evidence supporting the conclusion that such measures are necessary to further the compelling governmental interest in remedying the effects of past and present racial discrimination. If a program contains affirmative measures based on sex, those measures are subject to the somewhat lower standard of intermediate scrutiny. That standard demands that any gender-based preference be substantially related to an important governmental objective.

In assessing whether race- and sex-conscious government contracting programs could continue to survive heightened levels of judicial review, the Department of Justice reviewed hundreds of state and local disparity studies, dozens of congressional hearings and related testimony, government reports on public contracting, academic and expert reports on public and federal contracting, academic and government reports on financial data related to small businesses, and recent case law related to Equal Protection challenges to government contracting and grant programs. The disparity studies, congressional hearings, and academic reports contain both quantitative and qualitative evidence of the persistence of discrimination and its lingering effects in the public and private sector.

The Department of Justice report determines that there is a strong basis in evidence, both quantitative and qualitative, of the continued pervasiveness of discriminatory barriers that impede the full and fair participation of businesses owned by women or people of color in government contracting. The evidence discussed in this report supports the compelling interest in the continued use of federal programs that contain remedial measures to eliminate discriminatory barriers to contracting opportu-

nities for businesses owned by minorities and an important state interest in the continued use of federal programs that contain remedial measures to eliminate discriminatory barriers to contracting opportunities for businesses owned for women.

Both the qualitative and quantitative evidence shows the various ways discrimination hinders the ability of minority- and women-owned businesses to compete equitably for government contracts. While this discrimination can take many forms, primary obstacles include: (1) discrimination limiting access to capital; (2) discrimination by procurement agencies and prime contractors; (3) exclusion from business networks, and (4) discrimination in lending and by bonding companies and suppliers.

In assessing the current public contracting environment faced by minority- and women-owned businesses, the Department of Justice reviewed over 200 disparity studies from state and local jurisdictions in 34 different states and the District of Columbia. Disparity studies are quantitative demographic analysis of public procurement contracting utilization as compared to local business availability categorized by the race or sex of the owner. The review of these studies shows that there continues to be substantial disparities between the availability of minority- and women-owned businesses and the utilization of such businesses in state and local government procurement in all areas of the country and at all levels of procurement. The overwhelming majority of these studies showed significant under-utilization of minority- and women-owned businesses in almost every sector of public procurement. The report cited to an overview of these disparity studies conducted by the Minority Business Development Agency in 2016, which found that the studies indicated significant contracting disparities for minority business enterprises that were pervasive across different ethnic and racial groups, industries, and geographies. Shockingly, the median value for the observed disparities was just 19%, indicating that minority businesses were being utilized at less than one-fifth of their availability in a given marketplace.

The report also reviewed federal government small business contracting. In 2017, just 9.8% of federal spending on contracts went to minority-owned businesses. The same year, woman-owned businesses received only 5% of federal prime contract awards. Even when comparing businesses and controlling for the industry in which the firm did business, business age, business size (both in terms of average number of employees and annual receipts), business form, and security clearance, the likelihood of minority-owned businesses receiving a federal contract versus similar businesses is still lower than non-minority-owned businesses.

Overwhelmingly, the disparity studies and reports also present evidence linking disparities in contracting to discriminatory factors. In the private financial sector, historic barriers and private discrimination has limited the ability of minority business owners to accumulate assets and wealth. Minority-owned businesses are two to three times more likely to be denied credit, more likely to avoid applying for loans based on the belief they will be turned down, and more likely to receive smaller loans and pay higher interest rates on the loans they do receive. Minority- and women-owned firms not only receive smaller loans at higher interest rates than firms owned by White males, but they also get smaller equity investments.

In the bonding arena, both quantitative and qualitative evidence shows that bonding requirements disproportionately affect businesses owned by women or people of color.

83% of minority- and women-owned businesses identified bonding requirements as a specific barrier to the ability to obtain contracts. A number of recent studies show that minority-owned firms are significantly more likely to face difficulties in obtaining required bonds compared with majority-owned firms.

The evidence presented in the report indicates that the barriers that have impeded the growth and success of minority- and women-owned businesses continue to exist and that government contracting preference programs ameliorate the effects of public and private discrimination. For example, a 2017 disparity study prepared for the Los Angeles County Metropolitan Transportation Authority compared the participation of minority- and women-owned businesses on contracts that contained goals to encourage utilization of minority- and women-owned businesses as opposed to contracts that did not contain such goals. The results showed that on contracts without goals, minority- and women-owned firms earned only 53 cents on the dollar, but on contracts with goals, such firms earned 96 cents on the dollar—almost what would be expected given the availability of such firms in the marketplace.

The federal government currently operates two main contracting programs with race and/or sex-conscious elements: the SBA Section 8(a) business development program and the Department of Transportation Disadvantaged Business Enterprise program. All federal departments and major independent agencies participate in the SSA's Section 8(a) business development program, which offers a variety of assistance, including set-aside federal government contracts to socially and economically disadvantaged businesses. In Fiscal Year 2019, the federal government awarded \$30.4 billion to 8(a) firms.

Appendices of 219 state and local disparity studies, 45 relevant academic and government studies, and 28 Congressional hearings are included with the report. The Federal Register notice announcing the report may be found at 87 FR 4955, and the report itself is publicly available at the Department of Justice.

DONALD BORDEN

HON. DONALD NORCROSS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2022

Mr. NORCROSS. Madam Speaker, I rise today to honor educator Donald A. Borden of Blackwood, New Jersey.

Donald A. Borden began his long scholastic career teaching both special and general education, while volunteering his time coaching numerous varsity sports. Additionally, he taught for many years as an adjunct professor at Camden County College.

He went on to his first of many administrative positions when he became the Assistant Principal of Audubon High School, followed by his time as Principal of the Mansion Avenue Elementary School. Mr. Borden holds a master's degree in educational leadership from Rowan University, a bachelor's degree from Glassboro State College and has been and continues to be a strong supporter of South Jersey schools and universities.

Soon after, Mr. Borden became the Principal of Audubon Junior-Senior High School, where he worked closely with Camden County College to provide both remediation and credit-bearing course offerings to students. Mr.